

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 18, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan E. Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of August 11, 2003, reported having done so, found same correct.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

John Donahue of the Police Dept. was awarded the Mayor's Award of Excellence in the category of productivity for the month of July, 2003.

MAYOR'S ADDRESS TO COUNCIL

Mayor Coleen Seng addressed the Council in regards to the financial package tied to the Comprehensive Plan. She recommended to Council that the legislation regarding water/sewer rates, and the wheel tax be passed. However, regarding the 5 cent gas tax and the proposed bond issue, she suggested those items be placed on pending due to response from the public. She suggested that the city officials needed to coordinate efforts with the State Senators to evaluate the present amount of tax that is coming to the City of Lincoln from the present gas tax revenue. She cautioned them that if the delay would be too long, it could potentially delay the rate of growth in the City. She thanked the Council for their time.

PUBLIC HEARING

APPLICATION OF FAMOUS DAVE'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 258.7 FEET BY 149.5 FEET IN THE GOVERNOR'S MANSION YARD LOCATED AT 1425 H STREET ON THE 30TH DAY OF AUGUST, 2003 FROM 10:00 A.M. TO 3:00 P.M. - Charles LeCorgne, Jr., 1717 D Street, came forward in favor. Councilwoman McRoy asked why they were applying for an SDL for this occasion. City Clerk Ross responded that they needed one because the caterer would be charging for the drinks.

This matter was taken under advisement.

APPLICATION OF SALEM FB, LLC D/B/A FAST BREAK #2 FOR A CLASS B LIQUOR LICENSE AT 2200 NORTH 48TH STREET;

MANAGER APPLICATION OF PEGGY C. ROEDER FOR SALEM FB, LLC D/B/A FAST BREAK #2 AT 2200 NORTH 48TH STREET - Chuck Salem, 2825 Stratford Avenue and Peggy C. Roeder, 8331 Carriage Hill Ct., came forward and took the oath. After being sworn in, Councilman Werner asked how many stores Ms. Roeder would be managing. Ms. Roeder replied she will be helping with this store until a new manager is trained and then they will submit an application for this person.

This matter was taken under advisement.

APPROVING A § 457 DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY NATIONWIDE RETIREMENT SOLUTIONS - Council Chair Camp asked Mr. Don Taute, Assistant City Attorney to come forward and explain this compensation plan to Council, which he did.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF EDM BUSINESS AND INDUSTRIAL PARK FOR 31 LOTS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT ON PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF S.W. 32ND ST. AND W. O ST. - Reed Schwartzkopf, 3632 Hartley Circle, came forward in favor.
This matter was taken under advisement.

SPECIAL PERMIT 421D - APP. OF FRANK AND JOAN RALL TO AMEND THE CARRIAGE HILL 4TH COMMUNITY UNIT PLAN TO RETAIN THE EXISTING SINGLE FAMILY DWELLING AND TO ALLOW THE CONSTRUCTION OF FOUR TWO-FAMILY STRUCTURES, WITH REQUESTS TO WAIVE SIDEWALK, STREET TREE AND LANDSCAPE SCREENING DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT 81ST AND A STS. - J. D. Burt, Design Associates, 1609 N Street, Suite 100, came forward and explained the conditions regarding this permit to Council. Councilman Friendt asked about the design waivers. Mr. Burt replied that those items have been withdrawn.

Glen Cekal, 1420 C St., came forward to question the landscape design standards for this permit. Councilman Cook responded that these items have been removed as well.

Peter Katt, 1045 Lincoln Mall, Suite 200, representing Carriage Park Community Unit Plan, came forward and explained that his client has not yet entered into an agreement with the applicants. Council Chair Camp asked what would happen if the two parties could not come to an agreement. Mr. Burt indicated his clients were interested in moving forward and felt they could work out the issues with the staff.

Councilman Werner asked for the Planning Dept. to respond to the motions to amend. Marvin Krout, Director of Planning Dept. came forward and indicated that he felt Public Works would need some final review authority.

Nicole Fleck-Tooze, Public Works Dept., indicated their office would like to have a week to review the language and access point to A Street, that is being requested.

Council Chair Camp asked Mr. Burt to come forward again and Mr. Burt indicated that they want staff to review and approve. He indicated that they need the access agreement with Carriage Park neighbors. He agreed that the wording should be added "as approved by staff". Council Chair Camp asked Ms. Fleck-Tooze if it was possible to avoid the one week delay. Ms. Fleck-Tooze indicated they would prefer to review the language and access. Councilman Cook responded that it is appropriate for the applicant to get the language to staff ahead of time and a delay of one week would seem appropriate.

Craig Groat, 4935 Huntington St., came forward to thank the developers for eliminating the design waivers and keeping the sidewalks and landscaping standards.

This matter was taken under advisement.

COMBINED PRE-EXISTING USE PERMIT/SPECIAL PERMIT 10A - APP. OF FLOWerview ASSOCIATES TO REDUCE SETBACKS DUE TO THE RIGHT-OF-WAY ACQUISITION ALONG ST. AND N. 66TH ST. - J. D. Burt, Design Associates., 1609 N St., Suite 100, and Kimberly Carbullido, Attorney, 260 Regency, Omaha, NE, came forward requesting that this item be delayed for one week. Ms. Carbullido indicated her client was located in New York City and due to last week's blackout, has been unable to receive the paperwork via fax and needs additional time to review. She indicated that there was a lawsuit pending between her client and the City of Lincoln. There is a settlement agreement with the approval of this special use permit, and her client would agree to dismiss the lawsuit against the city.

Councilwoman McRoy asked if the city has settled with your client, in excess of \$275,000? Ms. Carbullido stated she had indicated to the Planning Board as well as to the City Attorney, that her client is willing to settle this, as long as this permit is approved.

This matter was taken under advisement.

PRE-EXISTING USE PERMIT 3AB - APP. OF WESTFIELD SHOPPINGTOWN, TO AMEND THE SIGN PACKAGE ON PROPERTY GENERALLY LOCATED AT 6100 O ST. TO REPLACE AND MOVE WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, representing Westfield Shoppingtown, came forward to explain the sign package and indicated it does not include the 250 sq. ft. pole sign.

Craig Groat, 4935 Huntington St., came forward in opposition to large signs on "O" Street.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Carl C. Chandler, 6801 Platt Ave., came forward to complain about the way he had been treated in his home, when police came in looking for his son that had several warrants issued. City Attorney, Dana Roper, came forward to explain that Mr. Chandler's name had been on Item 14 regarding the report of new and pending claims against the city and had been denied.

Ed Patterson, 2108 Q Street, came forward and showed photos of an existing Community Center in Wheatridge, Colorado. He explained how many different services it encompassed for the community and was hopeful that the plans for the new Malone Community Center will consider such items. Councilwoman McRoy explained that a committee was presently working on plans such as Lincoln's "F" Street Community Center. Mr. Patterson indicated he had not been asked to participate on this committee.

Glen Cekal, 1420 "C" Street, came forward to speak about bind weed being completely out of control in the city. He read a letter from a UNL Professor regarding this noxious weed. He commented he was also in favor of having an audit done.

Craig Groat, 4935 Huntington Street, came forward and suggested that a campaign on the part of the city, regarding the police non-emergency number, could help lessen the burden on the 911 Center. He also spoke about the city's Code of Ethics. Council Chair Camp reminded Mr. Groat that this topic has been covered previously. Councilman Friendt informed the viewing public that the City Attorney does have a section in the Lincoln Municipal Code that deals with that topic. Councilman Svoboda commented that the Hometown Security Committee addressed the situation with the police non-emergency phone number.

These matters were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF FAMOUS DAVE'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 258.7 FEET BY 149.5 FEET IN THE GOVERNOR'S MANSION YARD LOCATED AT 1425 H STREET ON THE 30TH DAY OF AUGUST, 2003 FROM 10:00 A.M. TO 3:00 P.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82266 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Famous Dave's for a Special Designated License to cover an area measuring 258.7 feet by 149.5 feet at the Governor's Mansion yard at 1425 H Street, Lincoln, Nebraska, on the 30th day of August, 2003, between the hours of 10:00 a.m. and 3:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REGULAR MEETING
August 18, 2003
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APPLICATION OF SALEM FB, LLC D/B/A FAST BREAK #2 FOR A CLASS B LIQUOR LICENSE
AT 2200 NORTH 48TH STREET - CLERK read the following resolution,
introduced by Glenn Friendt, who moved its adoption for approval:

A-82267 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That after hearing duly had as required by law, consideration of
the facts of this application, the Nebraska Liquor Control Act, and the
pertinent City ordinances, the City Council recommends that the
application of Salem FB, LLC d/b/a Fast Break #2 for a Class "B" liquor
license at 2200 North 48th Street, Lincoln, Nebraska, for the license
period ending April 30, 2004, be approved with the condition that the
premise complies in every respect with all city and state regulations.
The City Clerk is directed to transmit a copy of this resolution to the
Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF PEGGY C. ROEDER FOR SALEM FB, LLC D/B/A FAST BREAK #2
AT 2200 NORTH 48TH STREET - CLERK read the following resolution,
introduced by Glenn Friendt, who moved its adoption for approval:

A-82268 WHEREAS, Salem FB, LLC d/b/a Fast Break #2, located at 2200 North
48th Street, Lincoln, Nebraska has been approved for a Retail Class "B"
liquor license, and now requests that Peggy C. Roeder be named manager;
WHEREAS, Peggy C. Roeder appears to be a fit and proper person to
manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of
the facts of this application, the Nebraska Liquor Control Act, and the
pertinent City ordinances, the City Council recommends that Peggy C.
Roeder be approved as manager of this business for said licensee. The
City Clerk is directed to transmit a copy of this resolution to the
Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 3RD READING & FINANCE PACKAGE RESOLUTIONS

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE STREET
IMPROVEMENT VEHICLE TAX TO AMEND THE DEFINITION OF "CONSTRUCTION" TO
INCLUDE STREET DESIGNING; TO ALLOW FUNDING FOR DESIGN AND RIGHT-OF-WAY
ACQUISITION; AND TO INCREASE THE FEE SCHEDULE FOR THE STREET IMPROVEMENT
VEHICLE TAX - PRIOR to reading:

FRIENDT Moved to amend Bill No. 03-119 in the following manner:

On Page 1, Line 11 strike the word supervising.

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda; NAYS: Werner.

CLERK Read the following ordinance, introduced by Ken Svoboda, amending
Chapter 3.20 of the Lincoln Municipal Code relating to the street
improvement vehicle tax to amend the definition of "construction" to
include street designing; to allow funding for design and right-of-way
acquisition; and to increase the fee schedule for the street improvement
vehicle tax, the third time.

SVOBODA Moved to pass the ordinance as amended.

Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18227** is recorded in Ordinance Book No.259, Page

AMENDING THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 3.26 TO LEVY AN
OCCUPATION TAX ON RETAILERS OF MOTOR VEHICLE FUEL AT A RATE OF 5 CENTS
PER GALLON OF MOTOR VEHICLE FUEL - PRIOR to reading:

McROY Moved to place Bill No. 03-120 on pending indefinitely.

Seconded by Svoboda & LOST by the following vote: AYES: Camp,
McRoy, Svoboda; NAYS: Cook, Friendt, Newman, Werner.

CLERK Read the following ordinance, introduced by Ken Svoboda, amending
the Lincoln Municipal Code to create a new Chapter 3.26 to levy an
occupation tax on retailers of motor vehicle fuel at a rate of 5 cents
per gallon of motor vehicle fuel, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by McRoy & **LOST** by the following vote: AYES: None; NAYS:

Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.
The ordinance, having **LOST**, was assigned File #38-4449 & was placed on file in the Office of the City Clerk.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE FOR ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STREETS AND AVENUES, INCLUDING SIDEWALKS AND TRAILS AT A SPECIAL ELECTION - PRIOR to reading:

McROY Moved to place Bill No. 03R-208 on pending indefinitely.
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, McRoy; NAYS: Cook, Friendt, Newman, Svoboda, Werner.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its approval:

WHEREAS, in order to pay the costs of acquiring certain land rights and designing, constructing, reconstructing, improving, extending, installing and completing grading, paving, curbing, guttering, repairs and other related and incidental improvements to the City's streets, avenues and other public ways, including sidewalks and trails, in the City of Lincoln, Nebraska, it is necessary to issue general obligation bonds of the City and to levy a tax for the payment thereof, and

WHEREAS, it is in the best interests of the City of Lincoln to present the question of the issuance of such bonds and the levying of a tax to pay the same to the electors at the City special election to be held on Tuesday, November 18, 2003.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

1. The Council hereby finds and determines that:
 - a. It is necessary, desirable, advisable and in the best interests of the City that the City acquire certain land rights, and design, construct, reconstruct, improve, extend, install and complete grading, paving, curbing, guttering, repairing and other related and incidental improvements to the City's streets, avenues and other public ways, including sidewalks and trails (collectively, the "Improvements").
 - b. The estimated cost to the City of completing the Improvements will be not less than One Hundred Six Million Dollars (\$106,000,000), and in order to finance the cost thereof, it will be necessary for the City to issue its general obligation bonds in the principal amount of not to exceed One Hundred Eight Million Dollars (\$108,000,000), such bonds to be dated at the time of their issuance, and to become due and payable on such dates, bear interest at such rates, and to have such other terms as may be fixed by the City at the time of their issuance.
 - c. It will be necessary to cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal and interest accruing on such general obligation bonds as the same become due.
 - d. It is in the best interests of the citizens of the City to present the question of the issuance of such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City at a special election called by the City to be held on Tuesday, November 18, 2003.
2. The following proposition shall be submitted to the qualified electors of the City at the City special election to be held on Tuesday, November 18, 2003.

(FORM OF BALLOT)

STREETS, SIDEWALKS AND TRAILS BOND ISSUE
STATE OF NEBRASKA
CITY OF LINCOLN
OFFICIAL BALLOT
CITY SPECIAL ELECTION - TUESDAY, NOVEMBER 18, 2003.
GENERAL OBLIGATION BONDS

SHALL THE CITY OF LINCOLN, NEBRASKA, ISSUE ITS GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$108,000,000 FOR THE PURPOSE OF PAYING COSTS INCIDENT TO ACQUIRING LAND RIGHTS, AND DESIGNING, CONSTRUCTING, RECONSTRUCTING, IMPROVING, EXTENDING, INSTALLING AND COMPLETING GRADING, PAVING, CURBING, GUTTERING AND OTHER RELATED AND INCIDENTAL IMPROVEMENTS AND REPAIRS TO THE CITY'S STREETS, AVENUES AND OTHER PUBLIC WAYS, INCLUDING SIDEWALKS AND TRAILS OF THE CITY; SUCH BONDS TO BE DATED AT THE TIME OF THEIR ISSUANCE AND TO BECOME DUE AND PAYABLE ON SUCH DATES, BEAR INTEREST AT SUCH RATES, AND HAVE SUCH OTHER TERMS AS MAY BE FIXED BY THE CITY AT THE TIME OF THEIR ISSUANCE; AND "SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?"

VOTE FOR or AGAINST

☐ FOR said General Obligation Bonds and Tax Levy.

☐ AGAINST said General Obligation Bonds and Tax Levy.

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said General Obligation Bonds and Tax Levy." Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST said General Obligation Bonds and Tax Levy."

3. The City Clerk shall cause a notice of said election to be given as provided by Article III, Section 1 of the Charter of the City as required by law; and the Mayor be and is hereby directed to proclaim and give notice that at the City special election to be held in the City on Tuesday, November 18, 2003, there will be submitted to the qualified electors of the City, for adoption or rejection, the general obligation bond authorization question set forth in paragraph 2 hereof; and the City Clerk is further directed to publish said proclamation as provided by law.

4. The said City general election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska.

5. The City Clerk is further directed to notify the Election Commissioner of Lancaster County of the City general election and the general obligation bond authorization question set forth in paragraph 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

6. The polling places for said City general election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, November 18, 2003, and a copy of the general obligation bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

7. Said City general election shall be conducted in accordance with the Charter of the City and the laws of the State of Nebraska applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Glenn Friendt

Seconded by Svoboda & **LOST** by the following vote: AYES: None; NAYS:

Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.

The resolution, having **LOST**, was assigned File #38-4450 & was placed on file in the Office of the City Clerk.

APPROVING A NEW SCHEDULE FOR WATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82276 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water use charges for all customers of the Lincoln Water System.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
Effective with the billing cycle commencing on November 15, 2003, and ending January 15, 2004, the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

The following rate schedule shall apply to all residential property. "Residential Property" shall be defined as property consisting of dwelling units. If there is more than one use per master meter on any one property including the residential use, the schedule to be used will be determined as residential, if the residential portion is 50 percent or more of the area of the building.
88 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.
121 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.
175 cents per 100 cubic feet for all additional water used each month.
The monthly Service Charge shall be hereinafter provided.

SCHEDULE B

The following rate schedule shall apply for the current calendar year to all non-residential property that used less than 12,000,000 cubic feet of water in the previous calendar year:
88 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.
121 cents per 100 cubic feet for all additional water used each month.
The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

The following rate schedule shall apply for the current year to all non-residential property that used more than 12,000,000 cubic feet of water in the previous calendar year. On a calendar year basis, a "base usage" of each high user customer will be determined. The base usage is an average of the water usage of each high user customer for the previous three (3) calendar years. The following fees would apply:
82.5 cents per 100 cubic feet for water usage less than base to 5% above base.
86.5 cents per 100 cubic feet for water usage 5% - 15% above base.
90.5 cents per 100 cubic feet for water usage 15% - 25% above base.
95.5 cents per 100 cubic feet for water usage for all water usage over 25% above base.
The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE -
TO ALL TYPES OF WATER SERVICE

Service Charge. There shall be a Service Charge per month to each property using the Lincoln Water System, determined by the number and size of the water meter, or meters, serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE FOR WATER METER
5/8 inch	\$ 2.95
3/4 inch	2.95
1 inch	2.95
1-1/2 inch	5.90
2 inch	11.80
3 inch	26.55
4 inch	47.20
6 inch	106.15
8 inch	188.75
10 inch	294.90

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$2.95 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE

THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay the same water rates charged to customers within the City Limits of Lincoln for water furnished them by the water system of the City of Lincoln.

BE IT FURTHER RESOLVED that Resolution No. A-81825, adopted by the City Council on November 18, 2002, is hereby superseded.

Introduced by Glenn Friendt

Seconded by McRoy & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Newman, Werner.

APPROVING A NEW SCHEDULE FOR WASTEWATER USE CHARGES AND APPROVING THE ISSUANCE OF ADDITIONAL REVENUE BONDS FOR THE CAPITAL IMPROVEMENTS PROGRAM FY 2003-04 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82277 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Sections 17.60.020 and 17.60.030 of the Lincoln Municipal Code to establish wastewater charges for all customers of the Lincoln Wastewater System.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

Effective with the billing cycle commencing on November 15, 2003, the following schedule of wastewater use charges is hereby established and adopted:

BASIC WASTEWATER USE CHARGE

(a) The basic wastewater use unit charge is hereby established as 112 cents.

(b) For any given residential property, the basic wastewater use charge for each billing cycle shall be determined by multiplying for each such cycle the total amount of water, in hundreds of cubic feet, metered for said property during a billing cycle chosen by the Director from the most recent past winter, by the basic wastewater use unit charge.

In the case of change of occupancy of residential property, if the Director reasonably determines that to compute the basic wastewater use charge for a given billing cycle upon the amount of water used by such property during such winter billing cycle would be inequitable either to the City or to the user, he shall use the average amount of water used by like users during such winter billing cycle to compute such charge.

(c) For any non-residential property, the basic wastewater use charge for a given billing cycle shall be determined by multiplying for each cycle the amount of water or wastewater, in hundreds of cubic feet, measured for said property during such cycle, by the basic wastewater use unit charge.

(d) Non-residential users shall be given credit, at the same rate, for water not discharged into the sanitary sewers provided such water is separately metered with the approval of the Public Utilities Department and at the customer's expense.

(e) Where a wastewater flow meter or other wastewater measuring device is required or permitted by the Director and is used to measure the volume of wastewater discharged into the Lincoln Wastewater System, such wastewater use charge shall be computed thereon at the basic wastewater use unit charge.

SERVICE CHARGE

Regardless of whether a wastewater meter is used, there shall be a service charge per month to each property using the Lincoln Wastewater System, determined by the number and size of the water meters serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE
5/8 inch	\$ 1.31

3/4 inch	1.31
1 inch	1.31
1-1/2 inch	2.62
2 inch	5.24
3 inch	11.79
4 inch	20.96
6 inch	47.17
8 inch	83.85
10 inch	131.02

The minimum service charge for a multiple dwelling unit or a mobile home shall be at least \$0.78 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$1.31 per dwelling unit.

WASTEWATER RATES TO CUSTOMERS OUTSIDE
THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the Lincoln Wastewater System shall pay the same Wastewater rates charged to customers within the City Limits of Lincoln for service furnished them by the Lincoln Wastewater System.

BE IT FURTHER RESOLVED that Resolution No. A-81411, adopted by the City Council on March 25, 2002, is hereby superseded.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Newman, Werner.

APPROVING AN INCREASE IN THE MONTHLY RATE FOR THE 911 SURCHARGE FROM 50 CENTS TO \$1.00 PER LINE - PRIOR to reading:

CAMP Moved to amend Bill 03R-211 in the following manner:

On Line 11, strike the words One Dollar (\$1.00) to read seventy-five cents (\$.75).

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82278 WHEREAS, Neb. Rev. Stat. §§ 86-1001 through 86-1009 as amended by LB 133,, passed by the First Session of the 92nd Legislature of the State of Nebraska, now set out in Neb. Rev. Stat. § 86-420 et seq., authorized the City of Lincoln to impose a service surcharge for 911 service within its 911 service area; and

WHEREAS, the City did enter into a contract with Alltel, a service supplier as defined by the aforesaid statutes for the telephone exchanges which are listed on Attachment "A", which is attached hereto and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

1. Service Surcharge Established. Pursuant to Neb. Rev. Stat. §§ 86-420 et seq., there is hereby imposed a service surcharge in the amount of ~~One Dollar (\$1.00)~~ seventy five cents (\$.75) on each local exchange access line physically terminating in the 911 service area of the City of Lincoln as defined by Neb. Rev. Stat. § 86-429.

2. Each service user shall pay service surcharges on each of such service user's local exchange access lines, except that an individual service user shall not be required to pay, on a single periodic billing, service surcharges on more than 100 local exchange access lines, or their equivalent in any single 911 service area. Every service user shall be liable for any service surcharge billed to such user until the surcharge has been paid to the service supplier.

3. The service supplier is hereby authorized and directed to bill the service surcharge imposed by this resolution to each service user commencing January 1, 2004.

The service supplier shall annually provide to the City a list of amounts uncollected along with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be for non-payment of any service surcharge. The service supplier shall not be liable for such uncollected amounts.

4. Service Surcharges; Quarterly Remittance; Audit. The amount of the service surcharges collected in one calendar quarter by the service supplier shall be remitted to the City no later than sixty days after the close of that calendar quarter. At the time of the

remittance, the service supplier shall file a return for remittance with the City in such form as the City and the service supplier agree upon. The service supplier shall maintain a record of the amount of service surcharges collected. The record shall be maintained for a period of one year after the date the amount was billed. The City may, at its own expense, require an annual audit of the service supplier's books and records concerning the collection and remittance of the service surcharges.

5. 911 Communication Fund Established. There has been established a separate fund known as the 911 Communication Fund in which shall be deposited all funds collected by the City from the imposition of the service surcharge as hereinbefore provided. The fund collected and placed in the 911 Communication Fund shall be used solely to pay for costs for 911 service. Any money remaining in the fund at the end of any fiscal year shall remain in the fund for payments during any succeeding year.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this resolution to Alltel.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION FUND, VEHICLE TAX FUND, STORM SEWER BOND ISSUE FUND, PARKING REVENUE FUND, AND PARKING LOT REVOLVING FUND WITH THE PUBLIC WORKS & UTILITIES DEPARTMENT, AND THE GOLF FUND, GENERAL FUND, AND DONATIONS FUND WITHIN THE PARKS DEPARTMENT - CLERK read the following ordinance, introduced by Glenn Friendt, approving a transfer of unspent and unencumbered appropriations between capital improvement projects within the sanitary sewer construction fund, water construction fund, landfill revenue fund, street construction fund, vehicle tax fund, storm sewer bond issue fund, parking revenue fund, and parking lot revolving fund with the Public Works and Utilities department, and the golf fund, general fund, and donations fund within the Parks Department, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18228** is recorded in Ordinance Book No.259, Page

CHANGE OF ZONE 3415 - APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ELIMINATE A COMBINED USE PERMIT AND SPECIAL PERMIT IN THE O-3, R-T, B-2, AND B-5 ZONING DISTRICTS; TO ELIMINATE A PRE-APPLICATION FEE FOR PERSONAL WIRELESS FACILITY APPLICATIONS; AND TO INCREASE APPLICATION FEES - PRIOR to reading:

COOK Moved to amend Bill no. 03-125 in the following manner:

1. On page 10, line 14, after the word "any", insert the words council member or any.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Glenn Friendt, for Change of Zone 3415, application of the Planning Director to amend Title 27 of the Lincoln Municipal Code to eliminate a combined use permit and special permit in the O-3, R-T, B-2, and B-5 zoning districts; to eliminate a pre-application fee for personal wireless facility applications; and to increase application fees, the third time.

FRIENDT Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18229** is recorded in Ordinance Book No.259, Page

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 26 OF THE LINCOLN MUNICIPAL CODE TO AMEND SUBDIVISION PROCESS PROCEDURES INCLUDING REPEAL OF ADMINISTRATIVE FINAL PLATS; GRANTING THE PLANNING DIRECTOR AUTHORITY TO APPROVE FINAL PLATS; CLARIFYING WHO MAY APPEAL PLANNING COMMISSION ACTION ON A PRELIMINARY PLAT; ELIMINATING CITY COUNCIL REVIEW OF

PRELIMINARY PLATS; ALLOWING THE PLANNING DIRECTOR TO APPROVE FINAL PLATS WITHOUT A PRELIMINARY PLAT UNDER CERTAIN CONDITIONS; MODIFYING THE PROVISIONS REGARDING ACTION ON A FINAL PLAT; MODIFYING THE PROVISIONS REGARDING FILING THE FINAL PLAT WITH THE REGISTER OF DEEDS; MODIFYING THE PROVISIONS REGARDING SURVEY ERRORS AND CORRECTED PLATS; MODIFYING THE PROVISIONS REGARDING DATA REQUIRED ON PRELIMINARY PLATS AND FINAL PLATS; AND TO ADD FEES AND INCREASE FEES FOR FILING APPLICATIONS UNDER THE LAND SUBDIVISION ORDINANCE - PRIOR to reading:

COOK Moved to amend Bill No. 03-126 in the following manner:

1. On page 6, line 21, after the word "subdivider", insert the words any council member.

2. On page 14, line 9, before the word "aggrieved", insert the words council member or.

3. On page 21, line 12, after the word "any", insert the words council member or any.

4. On page 21, line 29, after the word "requirements", insert the word or and strike the rest of line 29 after the words "design standards" and all of line 30.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Glenn Friendt, application of the Planning Director to amend Title 26 of the Lincoln Municipal Code to amend subdivision process procedures including repeal of administrative final plats; granting the Planning Director authority to approve final plats; clarifying who may appeal Planning Commission action on a preliminary plat; eliminating City Council review of preliminary plats; allowing the Planning Director to approval final plats without a preliminary plat under certain conditions; modifying the provisions regarding action on a final plat; modifying the provisions regarding filing the final plat with the Register of Deeds; modifying the provisions regarding survey errors and corrected plats; modifying the provisions regarding data required on preliminary plats and final plats; and to add fees and increase fees for filing applications under the Land Subdivision Ordinance, the third time.

FRIENDT Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18320** is recorded in Ordinance Book No.259, Page

APP. OF THE PLANNING DIRECTOR TO AMEND TITLE 14 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROCEDURE FOR VACATION OF PUBLIC WAYS AND ESTABLISH A FILING FEE - CLERK read the following ordinance, introduced by Glenn Friendt, application of the Planning Director to amend Title 14 of the Lincoln Municipal Code to amend the procedure for vacation of public ways and establish a filing fee, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18231** is recorded in Ordinance Book No.259, Page

ORDINANCES - 2ND READING

REPEALING ORDINANCE 18016 WHICH CREATED ALLEY PAVING DISTRICT 362, BEING THE NORTH/SOUTH ALLEY, BETWEEN 54TH ST. TO 56TH STS., FROM CLEVELAND TO ADAMS STREETS - CLERK read the following ordinance, introduced by Patte Newman, repealing Ordinance 18016 which created Alley Paving District 362, being north/south alley, between 54th Street to 56th Streets, from Cleveland to Adams Street, the first time.

APPROVING A § 457 DEFERRED COMPENSATION PLAN TO BE ADMINISTERED BY NATIONWIDE RETIREMENT SOLUTIONS - CLERK read the following ordinance, introduced by Patte Newman, approving a § 457 Deferred Compensation Plan to be administered by Nationwide Retirement Solutions, the first time.

RESOLUTIONS

COMP. PLAN AMENDMENT 03016 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF DWAIN ROGGE TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE A PORTION OF PROPERTY DESIGNATED "ENVIRONMENTAL RESOURCES" TO "INDUSTRIAL" BETWEEN SALT CREEK AND ARBOR ROAD, WEST OF NORTH 70TH STREET (7/14/03 - Pending; Con't P.H. & Action on 8/18/03)

(ACTION DELAYED & CON'T P.H. FOR 3 WEEKS TO 9/8/03, 7-0) - PRIOR to reading:

FRIENDT Moved to delay action and con't. Public Hearing in three weeks on 9/8/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE ADMINISTRATION AGREEMENT BETWEEN THE CITY OF LINCOLN AND NATIONWIDE RETIREMENT SOLUTIONS FOR ADMINISTRATION OF A § 457 DEFERRED COMPENSATION PLAN - PRIOR to reading:

WERNER Moved to delay action on Bill No. 03R-216 for one week to 8/25/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF EDM BUSINESS AND INDUSTRIAL PARK FOR 31 LOTS FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT ON PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF S.W. 32ND ST. AND W. O ST. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82269 WHEREAS, EDM Corporation has submitted the preliminary plat of EDM BUSINESS and INDUSTRIAL PARK for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated June 12, 2003, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of EDM BUSINESS and INDUSTRIAL PARK, located generally at S.W. 32nd Street and West O Street as submitted by EDM Corporation is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 421D - APP. OF FRANK AND JOAN RALL TO AMEND THE CARRIAGE HILL 4TH COMMUNITY UNIT PLAN TO RETAIN THE EXISTING SINGLE FAMILY DWELLING AND TO ALLOW THE CONSTRUCTION OF FOUR TWO-FAMILY STRUCTURES, WITH REQUESTS TO WAIVE SIDEWALK, STREET TREE AND LANDSCAPE SCREENING DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED AT 81ST AND A STS. - PRIOR to reading:

COOK Moved to delay action and con't. Public hearing on Bill No. 03R-218 for one week to 8/25/03.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COMBINED PRE-EXISTING USE PERMIT/SPECIAL PERMIT 10A - APP. OF FLOWerview ASSOCIATES TO REDUCE SETBACKS DUE TO THE RIGHT-OF-WAY ACQUISITION ALONG O ST. AND N. 66TH ST. - PRIOR to reading:

COOK Moved to delay action and con't. Public Hearing on Bill No. 03R-219 for one week to 8/25/03.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PRE-EXISTING USE PERMIT 3AB - APP. OF WESTFIELD SHOPPINGTOWN, TO AMEND THE SIGN PACKAGE ON PROPERTY GENERALLY LOCATED AT 6100 O ST. TO REPLACE AND MOVE WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82270 WHEREAS, Westfield Shoppingtown has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code

designated as Pre-Existing Use Permit No. 3AB for authority to amend the signs plan at Westfield Shoppingtown - Gateway, on property generally located at 6100 "O" Street, and legally described to wit:

A portion of Lot 233, Lots 213, 214, 232, and 257 Irregular Tracts and Lot 2, Gateway Terrace, all located in the South Half of Section 21, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, further described in the attached legal descriptions;

WHEREAS, the real property adjacent to the area included within the site plan for this amended sign plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Westfield Shoppingtown, hereinafter referred to as "Permittee", to amend the sign plan on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction of said sign plan be in strict compliance with the application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a revised sign plan for Pre-Existing Use Permit 3, Westfield Shoppingtown - Gateway.
2. All terms and conditions of Pre-Existing Use Permit 3 shall apply unless specifically approved by this amendment.
3. Before receiving building permits:
 - a. The construction plans must conform to the approved plans.
 - b. The Permittee must submit an acceptable, revised and reproducible final plan, including five copies.
3. All development and construction must be completed in conformance to the approved plans.
4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSTAINING: Newman.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND WAVERLY PUBLIC SCHOOLS TO ALLOW THE HEALTH DEPARTMENT STAFF TO PROVIDE NURSING CONSULTATION SERVICES DURING THE 2003-2004 SCHOOL YEAR - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82271 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract for Interlocal Services and Cooperation Agreement between the City of Lincoln and the Waverly Public Schools which will allow Lincoln - Lancaster County Health Department staff to provide nursing consultation services to these schools during the 2003-2004 school year, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreements to the Health Department, for transmittal to Waverly Public Schools.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND MALCOLM PUBLIC SCHOOLS TO ALLOW THE HEALTH DEPARTMENT STAFF TO PROVIDE NURSING CONSULTATION SERVICES DURING THE 2003-2004 SCHOOL YEAR - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82272 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract for Interlocal Services and Cooperation Agreement between the City of Lincoln and the Malcolm Public Schools which will allow Lincoln - Lancaster County Health Department staff to provide nursing consultation services to these schools during the 2003-2004 school year, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreements to the Health Department, for transmittal to Malcolm Public Schools.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 16 TO 31, 2003 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82273 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 1, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Sharyn Bennett	NAS*	Don & Nicole McCormick	\$12,500.00
Rolland Victor	\$ 8,438.90	American Family Insurance Group	1,475.00
Jolene Howell	NAS*	Robin Furmanski & Stella Morehouse	16,860.86
Timothy K. Rodriguez and		Susan Hickerson Lorenz	968.70
Kimberly Rodriguez, his wife;		Jody Palu	535.00
Potential L.L.C. d/b/a BW-3;		Katherine Alice Betts	1,055.00
and Continental Western		State Farm Insurance Co.	
Insurance Group	180,000.00	(Jimmy L. Cary, Insured)	937.20
Charles Bacon	NAS*	John E. Mahan	600.46
Carla Cue	60.00	Julio Papalotzi	4,681.25
Oliver Sotelo	151.03	Pegler Sysco	124.08
Carl C. Chandler	NAS*	Melissa Gilleland	
		(Jerry Price & Sharon Price)	447.90
		Joan McMahon	395.76
		Kelly Miller	630.94
		Diane Schwieger	700.00

* No amount specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AUTHORIZING THE PLANNING DEPARTMENT TO COLLECT A FEE FOR AMENDMENT REQUESTS TO THE CITY/COUNTY COMPREHENSIVE PLAN - PRIOR to reading:

COOK Moved to amend Bill No. 03R-215 in the following manner:

1. On page 1, line 12, before the word "City", insert the words City Council members or.

2. One page 1, line 12, strike the word "require" and insert the word request.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82275 WHEREAS, the Planning Department reviews and processes requested amendments to the Comprehensive Plan proposed by private persons or

corporations; and

WHEREAS, the Planning Department, as part of this review process, incurs departmental expenses for preparation of the staff report, photocopying, newspaper advertising, and staffing public hearings before the Planning Commission and City Council; and

WHEREAS, the Planning Director is requesting authorization to collect a filing fee of \$250.00 for amendment requests to the Lincoln - Lancaster County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City Council does hereby establish and approve a \$250.00 filing fee to be paid at the time of filing an application for amendments to the Lincoln - Lancaster County Comprehensive Plan except that City Council members or City, County, State or Federal agencies that require request Comprehensive Plan amendments shall be exempt from payment of the fee.

Introduced by Annette McRoy

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, AUGUST 25, 2003 @ 1:30 P.M. FOR THE APP. OF BLESSED SACRAMENT CHURCH TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPT. 6 TO OCT. 12, 2003 - CLERK requested a motion to approve:

NEWMAN So moved.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, AUGUST 25, 2003 @ 1:30 P.M. FOR THE APP. OF UNITED WAY OF LINCOLN AND LANCASTER COUNTY TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPT. 12 TO DEC. 18, 2003 - CLERK requested a motion to approve:

NEWMAN So moved.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITION TO VACATE PUBLIC WAY S.W. 12th STREET SOUTH FROM LAKE STREET, SUBMITTED BY NEBRASKA HOUSING RESOURCE - CLERK presented said petition which was referred to the Law Dept.

THE FOLLOWING WERE REFERRED TO PLANNING DEPT:

SPECIAL PERMIT 634D - APP. OF ENGINEERING DESIGN CONSULTANTS REPRESENTING F. PACE WOODS II, TO REVISE STREETS TO NON-STANDARD CROSS SECTIONS WITH LANDSCAPED MEDIANS AND OUTLOTS FOR SIGNAGE, ON PROPERTY LOCATED AT SO. 21ST AND WINDING RIDGE ROAD.

SPECIAL PERMIT 671B - APP. OF MICHAEL E. AND COLEEN S. WINTER TO AMEND SPECIAL PERMIT 671 TO INCLUDE LOT 12 OF BLOCK 2, WASSUNG PARK NORTH ADDITION IN THE LIST OF LOTS WITH 5' SIDE YARD SETBACKS, ON PROPERTY LOCATED AT 3931 AND 3923 NORTH 8TH ST.

SPECIAL PERMIT 1423G - APP. OF HIMARK DEVELOPMENT INC. & D & M DEVELOPMENT, LLC TO AMEND THE CUP TO ADD 20 SINGLE FAMILY UNITS IN THE AREA EAST OF 90TH STREET, NORTH OF OLD CHENEY ROAD.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR THE WEEK OF AUGUST 4 THROUGH AUGUST 8, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82274 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Patte Newman

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE SECOND QUARTER OF 2003: PNG Telecommunications, Inc.; Fast Phones of Nebraska, Corp.; Alltel Nebraska, Inc.; for the month of June, 2003: McLeod USA Telecommunications Services, Inc.; Alltel Systems of the Midwest, Inc.; Alltel Nebraska Inc.; Alltel Communications of Nebraska, Inc.; for the month of July, 2003: D & D Communications, Inc.; and ATS Mobile Telephone Co., Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF UNL MICROBIOLOGISTS FOR WATER TESTING FOR THE MONTH OF JULY, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

ORDINANCES - 1ST READING

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 186.7 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 84TH STREET BETWEEN OLD CHENEY ROAD AND PINE LAKE ROAD - CLERK read the following ordinance, introduced by Patte Newman, amending the Lincoln Corporate limits map by annexing approximately 186.7 acres of property generally located east of South 84th Street between Old Cheney Road and Pine Lake Road, the first time.

CHANGE OF ZONE 3412 - APPLICATION OF ANTELOPE PARK NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON APPROXIMATELY 14 BLOCKS GENERALLY LOCATED BETWEEN SOUTH 27TH STREET AND THE ROCK ISLAND TRAIL, FROM SOUTH STREET TO A STREET - CLERK read the following ordinance, introduced by Patte Newman, Change of Zone 3412 - application of Antelope Park Neighborhood Association for a Change of Zone from R-4 Residential to R-2 Residential on approximately 14 blocks generally located between South 27th Street and the Rock Island Trail, from South Street to A Street, the first time.

CHANGE OF ZONE 3385 - APPLICATION OF VIC AND KATHLEEN HANNAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. (03R-229, 03R-230)(Request for 2nd & 3rd Reading on 8/25/03) - CLERK read the following ordinance, introduced by Patte Newman, Change of Zone 3385 - Application of Vic and Kathleen Hannan for a Change of Zone from AGR Agricultural Residential to R-1 Residential on property generally located northeast of the intersection of South 66th Street and Pine Lake Road, the first time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$180,000,000 CITY OF LINCOLN, NEBRASKA LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS, THIRD SERIES 2003. (Request 2nd & 3rd Readings on 8/25/03) - CLERK read the following ordinance, introduced by Patte Newman, authorizing the issuance of not to exceed \$180,000,000 City of Lincoln, Nebraska Lincoln Electric System Revenue and Refunding bonds, third series 2003, the first time.

MISCELLANEOUS BUSINESS

PENDING -

COMP. PLAN AMENDMENT 02001.B - APPLICATION OF REALTY TRUST GROUP TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION FROM AGRICULTURE TO URBAN RESIDENTIAL AND COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 84TH AND SOUTH STREETS. (11/18/02 - Pending Indefinitely) - CLERK requested a motion to withdraw.

FRIENDT So moved.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

The resolution, having been **WITHDRAWN**, was assigned the File #38-4451 & was placed on file in the Office of the City Clerk.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR THE INSTALLATION OF
SANITARY SEWERS IN 1ST STREET, WATER MAINS IN 1ST STREET, STORM SEWERS
IN 1ST AND 2ND STREETS, STREET PAVING IN 1ST AND 2ND STREETS, STREET
TREES, AND SIDEWALKS ALONG 1ST AND 2ND STREETS, WITHIN THE PEOPLE'S CITY
MISSION ADMINISTRATIVE FINAL PLAT GENERALLY LOCATED AT NORTH 2ND AND R
STREETS - CLERK requested a motion to remove Bill No. 03R-181 from
pending for public hearing on 9/8/03.

WERNER So moved.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SVOBODA Moved to extend the Pending List to August 25, 2003.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on
August 25, 2003.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:20 P.M.

SVOBODA Moved to adjourn the City Council meeting of August 18, 2003.
 Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Glenna Graupmann, Senior Office Assistant

REGULAR MEETING
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